

REMARKS

Claims 193 and 195 have been canceled.

35 U.S.C. §102

MPEP 2131 quotes Verdegaal Brothers v. Union Oil of California, 814 F.2d 628, 631 (Fed. Cir. 1987) for the legal standard of anticipation: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (emphasis added).

Claims 188-192, 194, 196-199

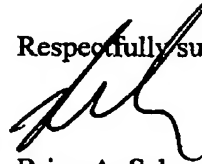
Claim 195 was objected to in the Office Action as being dependent upon a rejected base claim, and the Office Action indicated that claim 195 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 188 has been amended to include the limitations of objected-to dependent claim 195 and intervening claim 193, both of which have been canceled. Thus, claim 188 is believed to be in condition for allowance. Claims 189-192, 194 and 196-199 depend from claim 188, and are thus believed to be in condition for allowance as well under MPEP 608.01(n)(III).

It is noted that U.S. Patent No. 6,113,612 to Swanson et. al. ("Swanson") fails to describe the claimed "first member configured to create an opening in the target vessel." The Office Action characterized the nose portion 220 of the apparatus of Swanson as being analogous to the claimed "first member configured to create an opening in the target vessel." (Office Action, page 3, paragraph 4). Swanson states that the "gradual tapering of nose portion 220 is desirable to enable nose portion to gradually enlarge an aperture in a side wall of a body fluid conduit." (Swanson; col. 6, lines 43-53). Thus, the nose portion of 220 does not create an opening, but merely enlarges an existing one.

REQUEST FOR ALLOWANCE

Allowance of the pending claims is respectfully solicited. Please contact the undersigned if there are any questions.

Respectfully submitted,



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